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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

UNITED STATES OF AMERICA,) Case No. 05-70942 WDB
Plaintiff,) ORDER GRANTING STIPULATION TO
v.) WAIVE TIME UNDER SPEEDY TRIAL
MICHAEL EDWARD PAYNE,) CLOCK AND FOR PRELIMINARY
Defendant.) HEARING
Date: January 27, 2006
Time: 10:00 a.m.
Before the Honorable Wayne D. Brazil

ORDER

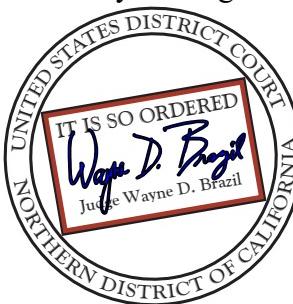
Pursuant to Fed. R. Crim. P. 5.1(d) and 18 U.S.C. § 3161(h)(8), the parties in this matter filed a Stipulation to Waive Time Under Speedy Trial Clock and For Preliminary Hearing seeking to waive and extend the time for the preliminary hearing and to exclude the time between January 27, 2006 and March 3, 2006 from the Speedy Trial Clock. The Stipulation was signed by counsel of record as well as the defendant knowingly and voluntarily waiving his right to a preliminary hearing on January 27, 2005, and extending the preliminary hearing until March 3, 2006. The Stipulation also noted that Mr. Payne's counsel requires additional time to review material. This information will allow Mr. Payne's counsel to better evaluate the case and assist in preparing a defense. Counsel also acknowledged that an exclusion of time under the Speedy

**ORDER GRANTING PRELIMINARY
HEARING EXTENSION AND EXCLUSION
Case No. 05-70942 WDB**

1 Trial Clock is appropriate to allow for the effective preparation of defense counsel taking into
2 account the exercise of due diligence. Good cause appearing therefor,

3 **IT IS HEREBY ORDERED** that the period of time between January 27, 2006 and March 3,
4 2006 is excluded from the Speedy Trial Clock to allow counsel to effectively prepare, taking into
5 account the exercise of due diligence. 18 U.S.C. § 3161(h)(8)(B)(iv). The Court finds that the
6 “ends of justice served by the granting of such continuance outweigh[s] the best interests of the
7 public and the defendant in a speedy trial.” 18 U.S.C. § 3161(h)(8)(A). Additionally, the Court
8 finds that the Defendant, Mr. Payne, knowingly and voluntarily waived the period between
9 January 27, 2006 and March 3, 2006, such that preliminary hearing is now scheduled for March
10 3, 2006 at 10:00 a.m.

11 DATED: January 24, 2006



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14 WAYNE D. BRAZIL
15 United States Magistrate Judge

16 Distribute to:

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